

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C). No. 1343 of 2021

Sudhir Kumar

..... Petitioner

Versus

State of Jharkhand & Ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner	:	Mr. Amar Kr. Sinha, Advocate
For the Respondents	:	Mr. Manoj Kumar, GA-II

12/19.03.2026 Heard the parties

2. The instant application has been preferred by the petitioner praying for quashing the order dated 20.8.2015 (Annexure-6), passed by the 4th respondent, whereby the claim for mutation of land in favour of the petitioner has been rejected and the long running *Jamabandi* in favour of the vendor of the petitioner has been cancelled.
3. It has been contended by Mr. Amar Kr. Sinha, learned counsel for the petitioner that the law is now no more res-integra that long-standing *Jamabandi* cannot be cancelled, and the petitioner is having problem by not getting his property in question duly mutated, because the petitioner also wants to construct a house to live with human dignity. Accordingly, Mr. Sinha submits that, on the one hand, since long-standing *Jamabandi* cannot be cancelled, and admittedly, in this case, the vendor's name were duly mutated more than 40-50 years ago, accordingly, the impugned order be quashed.
4. Per contra, the learned State Council submits that the property in question involved, in this case pertains to Khata No. 383 corresponding to Plot Number 446 and in one matter being LPA No. 91 of 2019, which was filed by the state against the order passed by the learned Single Judge, which has reiterated the law that long-standing *Jamabandi* cannot be cancelled, was upheld by Order dated 21.01.2021, passed in LPA No. 91 of 2019. He further produces an order passed by the Hon'ble Apex Court dated 29.04.2022, in Special Leave to Appeal (C) No. 1608 of 2022 and submits that this SLP arises out of LPA No. 91 of 2019 and in the said case notices have been issued and further it has been directed to maintain status quo with regard to the position of the property in question.

5. Relying upon the order of Hon'ble Apex Court, learned State Council submits that now, since the matter is pending with regard to same plot and also the issue whether long-standing *Jamabandi* can be cancelled or not; it would not be fruitful to decide the entire case on merit at this stage.
6. However, he could not give any answer to the contention of the petitioner that how he will construct his house and for that he submits that for sanctioning of a map there is a specific provision under Ranchi Municipal Corporation Act and the petitioner would be at liberty to approach the Corporation for sanction of house map. But as per settled principle prevailing in the State of Jharkhand, a house cannot be constructed unless the mutation is there.
7. Looking to the peculiar facts and circumstances of the case and also the development that the issue with regard to mutation with respect to Khata No. 383, is pending before the Hon'ble Apex Court Court, and also the fact that the petitioner is keen to construct a small house for his family to live with human dignity, therefore, he prays that he may be permitted to make Ranchi Municipal Corporation as party-respondent in this case, with the sole purpose that till the time the issue is decided by the Hon'ble Apex Court with regard to mutation in question, he shall be permitted by the Municipal Corporation to construct a house for his residential purpose and not any commercial purpose.
8. Permission is accorded to make Administrator, Ranchi Municipal Corporation as party-respondent.
9. Issue notice to the newly added respondent-RMC
10. Mr. Prashant Kumar Singh, learned counsel waives notice on behalf of respondent-RMC.
11. Petitioner is directed to serve a copy of the writ application upon Mr. Prashant Kumar Singh. Petitioner is further permitted to file appropriate application for amending the prayer as requested as requested.
12. Accordingly, list this case on 27th April, 2026.

(Deepak Roshan, J.)